


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Bruce A. Rogers :
 :
Application No.: 10/763,870 :
 : Group Art Unit: 3732
Filed: January 23, 2004 :
 : Examiner: R.K. Doan
For: HAIR HOLDING DEVICE WITH :
ELASTIC CLOSURE OPERATION :
 :
 :
Atty. Docket No.: ROG030.10001 :

**I, John F. Letchford, Registration No. 33,328, certify
that this correspondence is being filed electronically
with the USPTO via EFS-Web on August 31, 2009.**



JOHN F. LETCHFORD

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT OF SUBSTANCE OF INTERVIEW

In response to the combined telephonic and personal interview conducted between Examiner Doan, the Applicant, Mr. Bruce Rogers, and the undersigned conducted on August 6, 2009, the following is a Statement Of Substance Of The Interview ("Statement") pursuant to 37 CFR § 1.133(b) and MPEP § 713.04.

REMARKS

In the aforementioned interview, the participants discussed the substantial structural and operational differences between Applicant's claimed invention and U. S. Patent No. 3,358,698 to Blanchard. This Statement summarizes the substance of that interview.

More particularly, it was pointed out by Mr. Rogers and the undersigned that the elastomeric means 68 (FIGS. 12 and 13) of Blanchard biases the members 60 and 62 of the Blanchard device toward either an open or a closed position whereas the presently claimed device has elastomeric means which, significantly, biases the first and second members only toward a closed position and never toward an open position, while also conforming to gathered strands of a user's hair when said hair gripping portions come into contact with gathered strands of a user's hair. The Blanchard device is incapable of functioning in the manner of Applicant's claimed device.

To underscore his contentions in favor of patentability, Applicant also demonstrated a working model of the Blanchard device to the Examiner. During that demonstration, Mr. Rogers physically showed the Examiner the inability of the model to perform as does the presently claimed invention.

The Examiner was unmoved. Nevertheless, she promised to draft a proposed allowable claim subsequent to the interview. That claim was received by the undersigned by email from the Examiner dated August 18, 2008 and is still being considered by Mr. Rogers and the undersigned.

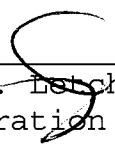
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Reply to Interview Dated: August 6, 2009

If the Examiner believes that a telephone interview would be beneficial to advance prosecution of the present application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: August 31, 2009



John F. Letchford
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